

# **BEFORE THE DEPARTMENT OF ENERGY OFFICE OF ELECTRICITY DELIVERY AND ENERGY RELIABILITY**

## **Application of Manifold Energy Inc. for authority to transmit electric energy to Canada**

Pursuant to Section 202(e) of the Federal Power Act ("FPA"), 16 U.S.C. §824a(e) and the regulations promulgated under 10 C.F.R. §§205.300, *et seq.*, Manifold Energy Inc. (the "Applicant") hereby submits this application to the Department of Energy, Office of Electricity Delivery and Energy Reliability ("Department") for a blanket authorization to transmit and export electricity from the United States to Canada ("Application") for a period of (5) years.

### **COMMUNICATIONS**

Communication and correspondence concerning this filing should be addressed to:

Marc-Antoine Dénomée  
Secretary and Treasurer  
495 Avenue de l'étang  
Mascouche, Québec, J7K 4E4  
Tel : (514) 889-9982  
marc-antoine.denomme@manifoldenergy.com

**US Department of Energy**

**JUN 25 2018**

**Electricity Delivery and  
Energy Reliability**

## **1. DESCRIPTION OF THE APPLICANT**

The Applicant is an independent Canadian corporation, incorporated under the Quebec Law, with its principal place of business in Mascouche, Quebec, Canada. The Applicant is engaged in the marketing of electric power at wholesale. The Applicant is a corporation privately owned by three (3) shareholders. The Applicant does not have any affiliates or upstream owners which possess any ownership interest or have involvement in any other company this is a traditional utility or that owns, operates, or controls any electric generation, transmission or distribution facilities, nor does it have any direct involvement with the energy industry other than through the ownership of Manifold Energy Inc. The Applicant does not own or control transmission facilities that cross the United States-Canada border. The Federal Energy Regulatory Commission ("FERC") authorized the Applicant to engage in the wholesale of electric energy, capacity and ancillary services at market-based rates.

## **2. JURISDICTION**

The Applicant believes that the U.S. Department of Energy ("DOE") is the only governmental agency that has jurisdiction over this application.

## **3. DESCRIPTION OF TRANSMISSION FACILITIES**

The Applicant request authority to export electric energy to Canada over any international transmission facility authorized by Presidential Permit that is appropriate for open access by third parties in accordance with export limits assessed and authorized by the Department. In particular, the Applicant intends and requests to export electricity energy over the existing international

facilities between Canada and the United States, as identified in Exhibit C. Exhibit C provides the owner name, location, voltage description, and Presidential Permit number of these existing international transmission facilities.

#### **4. TECHNICAL DISCUSSION OF PROPOSAL**

Section 202(e) of the FPA and the Department's regulations promulgated thereunder provide that exports of electric energy should be authorized unless the proposed export would impair the sufficiency of electric power supply within the United States or would impede or tend to impede the coordinated use (from an operational reliability and security perspective) of the United States electric transmission system. The Applicant seeks blanket authority to transmit electric power to Canada as a power marketer.

The Applicant is a power marketer that does not own or control electric generation facilities or transmission facilities. The Applicant does not have a power supply system on which its exports of power could have reliability, fuel use or system stability impact, nor does it have an obligation to serve native load within a franchised service area. The Applicant will purchase the power it plans to export voluntarily from electric utilities, wholesale generators, power marketers and other parties, and thus such power will be surplus to the needs of the selling parties. The Applicant export of power will not impair or tend to impede the sufficiency of electric power supplies in the United States or the regional coordination of electric utility planning or operation.

The Applicant will make all necessary commercial arrangements and will obtain any and all other regulatory approvals required in order to carry out any power exports. This will include: (i) scheduling each transaction with the appropriate balancing authority area in compliance with all

reliability criteria, standards and guidelines of the North American Reliability Corporation (“NERC”) and applicable Regional Entities in effect at the time of the export, and (ii) obtaining all necessary transmission access over the existing transmission facilities listed in Exhibit C. The Applicant agrees to comply with the export limits contained in the relevant export authorization and Presidential Permit associated with the transmission facilities over which the Applicant exports electric power to Canada.

In prior Department orders granting export authorization to electric power marketers, the Department declined to rigidly apply the information filing requirements contained in its regulations and instead used a flexible approach with takes into consideration the unique nature of power marketers, the requirement of FERC Order No. 888 and previously authorized export limits of cross-border facilities. These same considerations demonstrate that the exports proposed by the Applicant will not impair or tend to impede the sufficiency of electric supplies in the U.S. or the regional coordination of electric utility planning or operations.

## **5. COMPLIANCE WITH LAWS AND CONDITIONS**

The Applicant will conduct its operations (i) in compliance with any conditions imposed by the Department consistent with its prior orders authorizing power marketers blanket authority to export power and (ii) in accordance with the provisions of the FPA and applicable rules, regulations and orders adopted or issued thereunder. The Applicant also will conduct its operations in conformity with the applicable reliability criteria standards and guidelines of NERC, reliability coordinators and balancing authority are operators, including any applicable regional transmission organizations or independent system operators. In particular, if required by the Department, the

Applicant's exports of power will not exceed the limits for the transmission facilities used by the Applicant, or otherwise cause a violation of the terms and conditions established in the export authorization. The Applicant will provide the Department with evidence that it has secure transmission services for the delivery of power and with all periodic reports regarding exports of power, as may be applicable or required.

## **6. VERIFICATION, REQUIRED COPIES, AND FEES**

Verification executed by authorized representative of the Applicant in accordance with 10 C.F.R. 205.302(h) is enclosed with the Application. In accordance with the requirements of 10 C.F.R. 205.307, and DOE's directions, five (5) copies of the Application are being provided to the Department. In accordance with the requirements of 10 C.F.R. 205.309, a copy of this application will be provided to the Secretary of the Federal Energy Regulatory Commission.

A check in the amount of \$500 made payable to the Treasurer of the United States is enclosed in payment of the fee specified in 10 C.F.R. 205.309.

## **7. REQUIRED EXHIBITS**

The following information is provided pursuant to the required exhibits as set forth in DOE regulations 10. C.F.R. 205.303.

	<b>Name of Exhibit</b>	<b>Comments</b>
<b>Exhibit A</b>	Transmission Agreements	Not Applicable
<b>Exhibit B</b>	Opinion of Counsel	Attached
<b>Exhibit C</b>	Transmission Facilities	List of facilities in lieu of a map

<b>Exhibit D</b>	Designation of Agent	Attached
<b>Exhibit E</b>	Statement of Corporate Relationship	Not Applicable
<b>Exhibit F</b>	Operating Procedure	Not Applicable
<b>Exhibit G</b>	FERC Application	Attached

## **8. CONCLUSION**

WHEREFORE, the Applicant respectfully requests that the DOE grant this application for blanket authorization to export power from the United States to Canada, for a period of (5) years, with such authorization to be effective as soon as possible.

## Verification

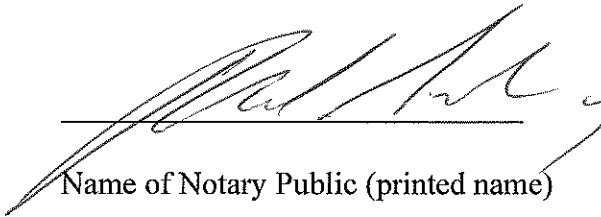
I, Marc-Antoine Dénommée, being authorized to execute this verification and having knowledge of the matters set forth in this Application of Manifold Energy Inc. hereby verify that the content thereof are true and correct to the best of my knowledge and belief.

Marc-Antoine Dénommée

Marc-Antoine Dénommée

Secretary and Treasurer

Manifold Energy Inc.

  
Name of Notary Public (printed name)

Notary ~~Public~~: Richard P. Salis

My commission ~~expires~~: For life.



## **EXHIBIT A – TRANSMISSION AGREEMENTS**

Manifold Energy Inc has not entered into any transmission agreements at this time.



## **EXHIBIT B – OPINION OF COUNSEL**

April 4<sup>th</sup>, 2018

**Manifold Energy Inc.**

Mr. Christopher Lawrence  
United States Department of Energy  
Office of Electricity Delivery and Energy Reliability  
OE-20, Room 8G-024  
1000 Independence Avenue, S.W.  
Washington, DC 20585

Re: Application of Manifold Energy Inc., for Authority to Transmit Electric Energy to Canada  
(Docket No. EA-\_\_\_\_\_)

Dear Mr. Lawrence:


I have represented Manifold Energy Inc. in connection with the Application of Manifold Energy Inc. for Authority to Transmit Electric Energy to Canada (the "Application"). I am the Secretary and Treasurer of Manifold Energy Inc.

Based on corporate documentation and my personal knowledge:

1. The import and export of electricity described in the Application is within the corporate powers of Manifold Energy Inc. and
2. Manifold Energy Inc. officers and employees have been directed to take all the necessary steps to comply with all applicable state and federal laws in connection with the actions to be taken under the Application.

In rendering this opinion, I have relied on personal knowledge of the Corporation and its officers. I am furnishing this opinion solely for your exclusive use in connection with the Application. This opinion may not be relied upon for any other purpose or relied upon by or furnished to any other person without my express written consent.

Respectfully submitted

  
Marc-Antoine Dénommée  
Secretary and Treasurer

**EXHIBIT C**

**INTERNATIONAL TRANSMISSION FACILITIES  
LOCATED AT THE U.S.-CANADA BORDER  
AUTHORIZED FOR THIRD-PARTY USE**

<b>Present Owner</b>	<b>Location</b>	<b>Voltage</b>	<b>Presidential Permit No.</b>
Bangor Hydro-Electric Company	Baileyville, ME	345-KV	PP-89
Bassin Electric Power Cooperative	Tioga, ND	230-kV	PP-64
Bonneville Power Administrative Eastern Maine Electric Cooperative	Blaine, WA	2500-kV	PP-10
	Nelway, WA	230-kV	PP-36
	Nelway, WA	230-kV	PP-46
	Calais, ME	69-kV	PP-32
International Transmission Company ITC Lake Erie Connector	Detroit, MI	230-kV	PP-230
	Marysville, MI	230-kV	PP-230
	St. Claire, MI	230-kV	PP-230
	St. Claire, MI	345-kV	PP-230
Joint Owners of the Highgate Project	Erie County, PE	±320-KV	PP-412
Long Sault, Inc.	Highgate, VT	120-kV	PP-82
Maine Electric Power Company	Massena, NY	2-115-kV	PP-24
Maine Public Service Company	Houlton, ME	345-kV	PP-43
	Limestone, ME	69-kV	PP-12
	Fort Fairfield, ME	69-kV	PP-12
	Madawaska, ME	138-kV	PP-29
Minnesota Power, Inc.	Aroostook, ME	2-69-kV	PP-29
	International Falls, MN	115-kV	PP-78
Minnkota Power Cooperative	Duluth, MN	500-kV	PP-398
Montana Alberta Tie Ltd.	Roseau County, MN	230-kV	PP-61
New York Power Authority Niagara Mohawk	Cut Bank, MT	230-kV	PP-305
	Massena, NY	765-kV	PP-56
	Massena, NY	2-230-kV	PP-25
	Niagara Falls, NY	2-345kV	PP-74
	Devils Hole, NY	230-kV	PP-30
	Devils Hole, NY	230-kV	PP-190

Northern States Power Company	Red River, ND	230-kV	PP-45
	Roseau County, MN	500-kV	PP-63
	Rugby, ND	230-kV	PP-231
Sea Breeze Olympic Converter LP	Port Angeles, WA	±450-kV	PP-299
TDI - New England	Coolidge, VT	345-kV	PP-400
Vermont Electronic Power Co.	Derby Line, VT	120-kV	PP-66
Vermont Electric Transmission Co.	Norton, VT	±450-kV DC	PP-76
	Imperial Valley, CA	230-kV	PP-79

**EXHIBIT D**  
**DESIGNATION OF AGENT AND POWER OF**  
**ATTORNEY**

This irrevocable limited power of attorney is made on June 21, 2018, by Manifold Energy Inc., a corporation organized and existing under the Quebec Business Corporations Act, with its headquarters at 495 Avenue de l'Étang, Mascouche, Quebec, J7K 4E4, Canada and also registered in the State of Florida.

1. Appointment. The Principal hereby appoints Jeffrey Feinberg Esq., as the Principal's true and lawful agent for the limited purpose set forth below.
2. Scope of Authority. Pursuant to this Designation of Agent and Power of Attorney, Jeffrey Feinberg shall have the limited power and authority to serve as the agent for the Principal regarding all matters related to the Principal's authorization to export electricity to Canada as issued by the U.S. Department of Energy ("DOE"). This appointment will remain in effect for the duration of the authorization granted by the DOE.
3. Irrevocability. This power of Attorney is irrevocable by the Principal.

**IN WITNESS WHEREOF**, the principal has caused this Power of Attorney to be duly executed on June 21, 2018.

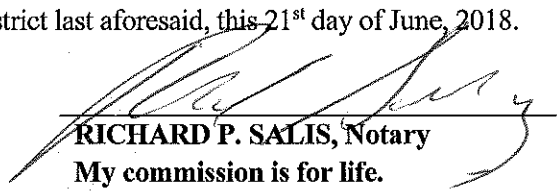
**MANIFOLD ENERGY INC.**

By: Marc Antoine Dénommée  
Marc-Antoine Dénommée, Secretary  
and Treasurer

**CANADA**  
**PROVINCE OF QUEBEC**  
**DISTRICT OF MONTREAL**

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments in the Province and District aforesaid, personally appeared **MARC-ANTOINE DÉNOMMÉE**, as Secretary and Treasurer of **MANIFOLD ENERGY INC.**, personally known to me to be the person described in and who executed the foregoing instrument or has produced his driver's license as identification and acknowledged before me that he executed the same, and who did/did not take an oath.

**WITNESS** my hand and official seal in the Province and District last aforesaid, this 21<sup>st</sup> day of June, 2018.

  
**RICHARD P. SALIS, Notary**  
My commission is for life.  
(SEAL)

**EXHIBIT E**  
**STATEMENT OF ANY CORPORATE RELATIONSHIP**  
**OR EXISTING CONTRACT**

Not Applicable

# **EXHIBIT G**

## **FERC APPLICATION**

FEDERAL ENERGY REGULATORY COMMISSION  
Washington, D.C. 20426

OFFICE OF ENERGY MARKET REGULATION

In Reply Refer To:  
Manifold Energy Inc.  
Docket No. ER18-1549-000

June 13, 2018

Manifold Energy Inc.  
495 Avenue de l'étang  
Mascouche, Québec  
Canada, J7K 4E4

Attention: Marc-Antoine Dénomée

Reference: Market-Based Rate Authorization

Dear Mr. Dénomée:

On May 8, 2018, you filed on behalf of Manifold Energy Inc. (Manifold Energy) an application for market-based rate authority with an accompanying tariff. The proposed market-based rate tariff provides for the sale of energy at market-based rates. You request on behalf of Manifold Energy waivers commonly granted to similar market-based rate applicants. You also request an effective date of June 11, 2018.

Manifold Energy has not demonstrated good cause to justify waiver of the prior notice requirement for an effective date of June 11, 2018. Therefore, consistent with Section 205 of the Federal Power Act and 18 C.F.R. § 35.3, your application is accepted for filing, effective July 7, 2018, 61 days from the date of filing.<sup>1</sup> Based on your

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<sup>1</sup> Manifold Energy Inc., FERC FPA Electric Tariff, DB8943, Full Application, Full Application in Rich Text Format, 0.0.0. The next time Manifold Energy makes a market-based rate filing with the Commission, it must include a revised tariff in compliance with Order Nos. 697 and 697-A to include appropriate citations. *See Market-Based Rates for Wholesale Sales of Electric Energy, Capacity and Ancillary Services by Public Utilities*, Order No. 697, FERC Stats. & Regs. ¶ 31,252, at P 916 (2007), *order on reh'g*, Order No. 697-A, FERC Stats. & Regs. ¶ 31,268, at P 384 (2008). *See also Niagara Mohawk Power Corporation*, 121 FERC ¶ 61,275 (2007) at P 8.



representations, Manifold Energy meets the criteria for a Category 1 seller in all regions and is so designated.<sup>2</sup>

Your filing was noticed on May 9, 2018, with comments, protests or interventions due on or before May 29, 2018. None was filed.

### **Market-Based Rate Authorization**

The Commission allows power sales at market-based rates if the seller and its affiliates do not have, or have adequately mitigated, horizontal and vertical market power.<sup>3</sup>

You represent that Manifold Energy is a power marketer owned by three individuals. You further represent that Manifold Energy has no affiliates and its owners do not hold interest in any other entity in the energy industry. Based on your representations, Manifold Energy satisfies the Commission's requirements for market-based rate authority regarding horizontal market power.

With respect to vertical market power, you represent that Manifold Energy does not own, operate, or control any transmission facilities; or own, operate, or control transmission facilities that: (a) have a Commission-approved Open Access Transmission Tariff (OATT) on file; (b) are under the operational control of a regional transmission organization or an independent system operator; (c) have received waiver of the OATT requirement under 18 C.F.R. § 35.28(d)(1); or (d) satisfy the requirements for a blanket waiver under 18 C.F.R. § 35.28(d)(2).<sup>4</sup> Further, you affirmatively state that Manifold Energy has not erected barriers to entry and will not erect barriers to entry into the relevant market. Based on your representations, Manifold Energy satisfies the Commission's requirements for market-based rate authority regarding vertical market power.

### **Waivers, Authorizations, and Reporting Requirements**

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<sup>2</sup> See *Refinements to Policies and Procedures for Market-Based Rates for Wholesale Sales of Electric Energy, Capacity and Ancillary Services by Public Utilities*, Order No. 816, FERC Stats. & Regs. ¶ 31,374, at P 320 (2015). Order No. 697, FERC Stats. & Regs. ¶ 31,252 at PP 848-850.

<sup>3</sup> Order No. 697, FERC Stats. & Regs. ¶ 31,252 at PP 62, 399, 408, 440.

<sup>4</sup> See *Open Access and Priority Rights on Interconnection Customer's Interconnection Facilities*, Order No. 807, FERC Stats. & Regs. ¶ 31,367, *order on reh'g*, Order No. 807-A, 153 FERC ¶ 61,047 (2015).

Manifold Energy's request for waiver of Subparts B and C of Part 35 of the Commission's regulations requiring the filing of cost-of-service information, except for sections 35.12(a), 35.13(b), 35.15 and 35.16 is granted. Manifold Energy's request for waiver of Part 41 and Part 141 of the Commission's regulations concerning accounting and reporting requirements is granted with the exception of 18 C.F.R. §§ 141.14 and 141.15.<sup>5</sup> Manifold Energy's request for waiver of Part 101 of the Commission's regulations is hereby granted, with the exception that waiver of the provisions of Part 101 that apply to hydropower licensees is not granted with respect to licensed hydropower projects.<sup>6</sup> Notwithstanding the waiver of the accounting and reporting requirements here, Manifold Energy is expected to keep its accounting records in accordance with generally accepted accounting principles.

Manifold Energy requests blanket authorization under Part 34 of the Commission's regulations for all future issuances of securities and assumptions of liability. A separate notice was published in the Federal Register establishing a period during which protests could be filed. None was filed. Manifold Energy is authorized to issue securities and assume obligations or liabilities as guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issue or assumption is for some lawful object within the corporate purposes of Manifold Energy, compatible with the public interest, and reasonably necessary or appropriate for such purposes.<sup>7</sup>

Manifold Energy must file Electric Quarterly Reports (EQR) with the Commission, consistent with Order Nos. 2001<sup>8</sup> and 768.<sup>9</sup> Manifold Energy must file

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<sup>5</sup> See Order No. 697, FERC Stats. & Regs. ¶ 31,252 at PP 984-985.

<sup>6</sup> Hydropower licensees are required to comply with the requirements of the Uniform System of Accounts pursuant to 18 CFR Part 101 to the extent necessary to carry out their responsibilities under Part I of the Federal Power Act (FPA). We further note that a licensee's status as a market-based rate seller under Part II of the FPA does not exempt it from its accounting responsibilities as a licensee under Part I of the FPA. See Order No. 816, FERC Stats. & Regs. ¶ 31,374 at PP 345-350; *Seneca Gen., LLC*, 145 FERC ¶ 61,096, at P 23, n.20 (2013) (citing *Trafalgar Power, Inc.*, 87 FERC ¶ 61,207, at 61,798 (1999) (noting that "all licensees are required to comply with the requirements of the Uniform System of Accounts to the extent necessary to carry out their responsibilities under [s]ections 4(b), 10(d) and 14 of the FPA"))).

<sup>7</sup> See Order No. 697, FERC Stats. & Regs. ¶ 31,252 at PP 999-1000.

<sup>8</sup> *Revised Public Utility Filing Requirements*, Order No. 2001, FERC Stats. & Regs. ¶ 31,127, *reh'g denied*, Order No. 2001-A, 100 FERC ¶ 61,074, *reh'g denied*, Order No. 2001-B, 100 FERC ¶ 61,342, *order directing filing*, Order No. 2001-C, 101

EQRs electronically with the Commission consistent with the procedures set forth in Order No. 770.<sup>10</sup> Manifold Energy further must timely report to the Commission any change in status that would reflect a departure from the characteristics the Commission relied upon in granting market-based rate authority.<sup>11</sup>

This action does not constitute approval of any service, rate, charge, classification, or any rule, regulation, or practice affecting such rate or service provided for in the filed documents; nor shall such action be deemed as recognition of any claimed contractual right or obligation affecting or relating to such service or rate; and such acceptance is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against any of the applicant.

This action is taken pursuant to the authority delegated to the Director, Division of Electric Power Regulation - West, under 18 C.F.R. § 375.307. This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R § 385.713.

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FERC ¶ 61,314 (2002), *order directing filing*, Order No. 2001-D, 102 FERC ¶ 61,334, *order refining filing requirements*, Order No. 2001-E, 105 FERC ¶ 61,352 (2003), *order on clarification*, Order No. 2001-F, 106 FERC ¶ 61,060 (2004), *order revising filing requirements*, Order No. 2001-G, 120 FERC ¶ 61,270, *order on reh'g and clarification*, Order No. 2001-H, 121 FERC ¶ 61,289 (2007), *order revising filing requirements*, Order No. 2001-I, FERC Stats. & Regs. ¶ 31,282 (2008).

<sup>9</sup> *Elec. Mkt. Transparency Provisions of Section 220 of the Fed. Power Act*, Order No. 768, FERC Stats. & Regs. ¶ 31,336 (2012), *order on reh'g*, Order No. 768-A, 143 FERC ¶ 61,054 (2013).

<sup>10</sup> *See Revisions to Electric Quarterly Report Filing Process*, Order No. 770, FERC Stats. & Regs. ¶ 31,338, at P 3 (2012) (citing Order No. 2001, FERC Stats. & Regs. ¶ 31,127 at P 31).

<sup>11</sup> 18 C.F.R. § 35.42 (2017); *see also Reporting Requirement for Changes in Status for Public Utilities with Market-Based Rate Authority*, Order No. 652, FERC Stats. & Regs. ¶ 31,175, *order on reh'g*, 111 FERC ¶ 61,413 (2005).

Sincerely,

A handwritten signature in cursive script that reads "Steve P. Rodgers". The ink is dark and the signature is written on a light background.

Steve P. Rodgers, Director  
Division of Electric Power  
Regulation - West

Document Content(s)

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